

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHELE MARIE WATERS,

Defendant.

8:07CR23

ORDER

Defendant Michele Marie Waters (Waters) appeared before the court on February 26, 2014, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 40). Waters was represented by Mark W. Bubak and the United States was represented by Assistant U.S. Attorney John E. Higgins. Through her counsel, Waters waived her right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Petition alleges probable cause and that Waters should be held to answer for a final dispositional hearing before Senior Judge Lyle E. Strom.

The government moved for detention. Through counsel, Waters declined to present any evidence but proffered she had arranged for a mental health evaluation and requested release to participate. Given Water's resistance to such an evaluation in the past and her non-cooperation with her probation officer, the court finds Waters has failed to carry her burden and Waters should be detained pending a dispositional hearing before Senior Judge Strom.

IT IS ORDERED:

1. A final dispositional hearing will be held before Senior Judge Lyle E. Strom in Courtroom No. 5, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 9:00 a.m. on April 8, 2014**. Defendant must be present in person.

2. Defendant Michele Marie Waters is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 26th day of February, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge